

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	
Petition of the California Public Utilities	)	
Commission for Delegated Authority to	)	
Implement Specialized Transitional Overlays	)	

**REPLY OF VERIZON WIRELESS**

Verizon Wireless ("VZW") submits these reply comments providing further support of the two petitions for reconsideration challenging the *California Specialized Overlay Order*.<sup>1</sup> VZW agrees and supports the two petitions for reconsideration and notes that all of the comments filed with the Commission were strongly supportive of the petitioners' request for the Commission to reconsider the *Order*.<sup>2</sup>

Significantly, although the Commission requested oppositions to the Petitions during the initial round of comments, no oppositions were actually filed. Indeed, even the California Public Utility Commission ("CPUC"), the entity originally seeking the delegated authority, did not file an opposition to the Petitions.<sup>3</sup> Petitioners and those parties filing supporting comments raise significant issues that the FCC failed to

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<sup>1</sup> See Public Notice, *Petitions for Reconsideration of Action in Rulemaking Proceedings*, Report No. 2747 (December 29, 2005), published in 71 Fed. Reg. 2042 (January 12, 2006); See also Petition of California Public Utilities Commission for Delegated Authority to Implement Specialized Transitional Overlays, CC Docket no. 99-200, *Order*, DA 05-2439 (Sept. 9, 2005) ("*Order*"). Petitions for Reconsideration were filed by Pac-West Telecomm, Inc. ("Pac-West") and the California Cable & Telecommunications Association ("CCTA") (collectively, "Petitions").

<sup>2</sup> Comments were filed by Sprint Nextel Corporation, Verizon, and j2 Global Communications ("Opening Comments"). Upon reconsideration of the *Order*, the FCC should vacate or set aside its decision to grant authority to the CPUC to implement two specialized overlays in California.

<sup>3</sup> There may have been some problems with notice to the CPUC of the Petitions.

adequately address in granting the *Order* and which justify reconsideration. The absence of any detailed evaluation of these issues is significant given that many of the same concerns were raised in the comments filed in 2003 regarding the original CPUC petition for delegated authority.<sup>4</sup>

In this brief reply VZW does not repeat those arguments, as they were well made in the Petitions, Opening Comments and in the comments filed opposing the CPUC's petition in 2003. Instead, VZW here submits some additional, practical reasons why the Commission should grant reconsideration and vacate or set-aside its decision to grant the CPUC authority to implement two specialized overlays in California.

In 2003, the CPUC petitioned the Commission for the delegated authority to implement a specialized overlay ("SO") in California. The impetus behind the CPUC's request in 2003 was that relief was needed for the 909 and 310 NPAs. At that time, area code relief was politically divisive and unpopular.<sup>5</sup> Notwithstanding the general controversy over area code relief, the CPUC's petition for delegated authority to implement a SO was soundly criticized by many parties at that time and was not acted upon by the Commission in the time frame sought by the CPUC. For example, as Verizon Wireless explained during the comments phase in 2003 regarding the CPUC's request, the CPUC petition did not satisfy the FCC's eight criteria for implementing a specialized

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<sup>4</sup> Although the *Order* did deny the CPUC authority to ration numbers in the new overlays or to perform take-backs of customers' numbers, and refused to grant a permanent waiver of the ten-digit dialing requirement, it left open numerous important issues, including the myriad of implementation, competitive and numbering conservation issues. *See e.g.*, Verizon comments at 1,5; Sprint Nextel comments at 5-7.

<sup>5</sup> *See* Opposition of Verizon Wireless, CC Docket No. 99-200, DA 03-3262, filed November 17, 2003. (stating that the CPUC's petition should not be used as an excuse to delay relief in the 310 NPA. In addition, while a Proposed Decision to implement relief in the 909 NPA had been adopted on November 13, 2003, then-Commissioner Lynch was promoting an Alternate Decision to derail such relief, citing the CPUC's petition to the FCC for an SO as justification.)

overlay.<sup>6</sup> Moreover, as recently highlighted by the initial comments on the Petitions, legitimate implementation issues that existed in 2003 still remain. Notably, the CPUC's plan does not adequately address: (1) how carriers are to identify which services must be segregated into the SO given that there is no way to track how customers use their telephone numbers at any given time; (2) rating and routing concerns; (3) number portability; and (4) reconciling the SO with the goals of number conservation.

The passage of 2 ½ years since the original CPUC petition requesting the SO has not changed the basic analysis that needs to be done or changed the fundamental problems with the CPUC proposal in 2003. Instead, the passage of time has resulted in changed circumstances in California that call into question whether the requested relief is needed or even desired. In 2003, the CPUC faced serious and controversial numbering crises in two southern California NPAs, the 310 and the 909. Now, the 909 NPA has recently completed an area code split such that the original 909 NPA is now the 909 and the 951 NPAs. Similarly, the CPUC issued a decision in August 2005 approving an all-services overlay for the 310 NPA.<sup>7</sup> Despite ongoing opposition by a couple of parties, the CPUC and the carriers are actively working to complete implementation of the all-services overlay (the new 424 NPA) by August 2006.<sup>8</sup>

Given the completed relief implementation of the 909 NPA and near completion of relief implementation of the 310 NPA, the need for the SO granted in the *Order* is questionable at best, and the CPUC has shown no inclination to pursue the matter further.

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<sup>6</sup> VZW comments at 3.

<sup>7</sup> The CPUC did so even though it was aware of the FCC's adoption of the *Order* on the day before the CPUC's meeting regarding the 310 NPA relief plan. The CPUC did not alter its decision on the 310 NPA even though it knew it would soon have delegated authority to consider implementation of aspecialized overlay.

<sup>8</sup> Permissive dialing began in the 310 NPA on December 31, 2005.

Moreover, since the CPUC's filing in 2003, the composition of the CPUC has changed and the current approach toward area code relief, when demonstrated need for relief exists, appears to be more within the mainstream of national numbering policies. Likewise, the State of California does not face additional area code relief decisions in the near-term based in part on the significant efforts to improve number utilization by this Commission, the CPUC and the carriers through pooling and other tools. Certainly, the silence of the CPUC on these Petitions is in stark contrast to the amount of attention placed on the issue in the late 1990's and early 2000's.

Currently, no other California NPAs are in jeopardy or require relief in the near term. When an area code in California does require relief in the future, given the experience gained in the 310 NPA and across the United States, the CPUC can implement an all-services overlay and avoid the problems presented by specialized overlays. Similarly, the CPUC could choose to implement area code relief through an area code split as it did in the 909 NPA given the consumer and governmental input favoring that split. Third, by the time that area code relief is needed, new mechanisms may have been developed which, if appropriate, could be used in California.

In direct contrast to the tried and true method of evaluating circumstances at the time area code relief is needed, the *Order* provides the CPUC with open-ended delegation of authority to implement two SOs covering the entire state of California.<sup>9</sup> As discussed, such a plan has many, many problems which will likely grow over time in the ever-changing telecommunications industry.<sup>10</sup> Right now, it appears unlikely that the

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<sup>9</sup> Only the waiver of the 10-digit dialing requirement is interim in nature, expiring one year after implementation of the SOs.

<sup>10</sup> For example, the petitioners and commenters focus on the difficulty of segregating VoIP users into the SO. In 2003 when the Commission was filed, VoIP was just beginning to develop. If the CPUC used

Commission will attempt to implement the two SOs under the delegated authority, but it could do so in the future with no further consideration. As such, the existence of the *Order* is of limited or no present value and may have the unintended consequence of other states seeking similar authority – despite all of the problems.

Given the significant policy issues and in light of the substantial change in circumstances, VZW urges the Commission to reconsider the *Order*. If sometime in the future, the CPUC or other state commission agency has a need *and* a workable plan to implement a SO consistent with this Commission’s then-existing policies, such state could seek delegated authority at that time. By doing so, the Commission ensures that a proposal will be viewed in the context of current policies and can weigh whatever options might exist at the time. In the current situation, the *Order* exists in a sort of regulatory limbo, and is contrary to the objectives of both the federal and state governments regarding numbering conservation, administration and competition.

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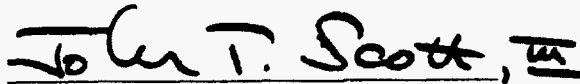
its current delegated authority in, for example, the year 2016, VoIP may be a huge factor in numbering use or have been surpassed by a technology not even commercially available today.

For the foregoing reasons, the FCC should reconsider the *Order* and vacate or set-aside its decision to delegate authority to the CPUC to implement two specialized overlays in California.

Respectfully submitted,

**VERIZON WIRELESS**

By:

A handwritten signature in black ink that reads "John T. Scott, III". The signature is written in a cursive style with a horizontal line underneath the entire name.

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CERTIFICATE OF SERVICE

I hereby certify that, on this 6<sup>th</sup> day of February, 2006, copies of the foregoing "Reply of Verizon Wireless" were sent by first class mail to the following parties:

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A handwritten signature in black ink, reading "Sarah E. Weisman". The signature is written in a cursive, flowing style. The first name "Sarah" is written in a larger, more prominent script, followed by "E." and "Weisman". The signature is positioned above a horizontal line.

Sarah E. Weisman